

~~CONFIDENTIAL~~

2-7:4

file 3.1

DCI/IC 76-004

27 April 1976

MEMORANDUM FOR: Chairman, Security Committee

25X1

FROM : [redacted]  
Executive Assistant, ICS

SUBJECT : Proposed DoD Study of Unauthorized  
Disclosure of Government Secrets

REFERENCE : Your memorandum dated 26 April, same  
subject, SECOM-D-147

25X1

[redacted]

25X1 1. [redacted] requests that you or your Committee  
take the following actions to close the loop on this problem.

a. Prepare a paper on the Security Committee  
work regarding this subject; what are recommendations,  
what are the milestones on implementation, what problems  
are still unsolved, and what is the future course of  
Committee action.

25X1

25X1

b. [redacted] desires a similar paper, again  
answering the foregoing questions, on the work that  
Proctor's people are doing on this subject. [redacted]

25X1

[redacted] feels that the papers need not be long; i.e., no  
more than two pages each.

c. Please prepare a letter to Mr. Ellsworth in  
response to his 21 April letter to Mr. Bush. The  
letter should be pleasant but firm, and should include  
a concise statement on what we are doing with respect  
to secrecy and declassification.

25X1

2. [redacted] also desires that a talker be  
prepared for the DCI, should Mr. Bush decide to discuss this  
subject with General Scowcroft. Another talker should be  
prepared for discussion of this subject at the CFI.

Thanks,

25X1

[redacted]

25X1

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[redacted]

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**UNITED STATES INTELLIGENCE BOARD  
SECURITY COMMITTEE**

SECOM-D-147  
26 April 1976

*Paper on  
Comm  
work  
- What are  
rec.?  
- Mile tone  
- implementation  
- Prob. not  
actual  
- Future  
comm. of  
action*

MEMORANDUM FOR: Deputy to the DCI for the Intelligence Community

25X1 FROM :   
Chairman, Security Committee

SUBJECT : Proposed DoD Study of Unauthorized Disclosure of Government Secrets

REFERENCE : Letter to the DCI from Mr. Ellsworth, Dated 21 April 1976

1. The broad Government-wide study proposed by Mr. Ellsworth would usurp some of the DCI's authority. The National Security Act of 1947 states:

"The DCI shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

*Same on  
work*

Executive Order 11905 states:

"The DCI will ensure that appropriate programs are developed which properly protect intelligence sources, methods and analytical procedures."

*1 1/2 pp  
2 page*

2. At the present time Dr. Edward Proctor, DDI, is chairing a group of senior officials in the Intelligence Community, the purpose of which is to develop principles and guidelines for the classification and control of intelligence. The goal of his group is to protect those aspects of intelligence sources and methods that truly deserve protection and to allow broader access to intelligence by applying the lowest appropriate classification and minimum dissemination controls. This includes declassification and release to the public.

*Prepare  
etc to  
Prepare  
taken for*

Downgraded to Unclassified  
when removed from  
Attachment

**CONFIDENTIAL**

EXEMPT TO GENERAL DECLASSIFICATION  
OF E. O. 11652, AUTOMATICALLY DOWNGRADED  
TWO YEAR INTERVALS AND DECLASSIFIED  
CFI  
(Insert date or event)

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3. The Intelligence Community has been greatly frustrated by unauthorized disclosures of classified information for many years. A working group of the Security Committee completed a study on unauthorized disclosures of sensitive intelligence sources and methods. In its report dated 16 December 1975 (attached), nine recommendations were made. The Security Committee has not reached a final agreement on these recommendations.


4. The current DoD proposal appears to go beyond protection of sources and methods. Mr. Ellsworth indicates Yarmolinsky's group will cover not only intelligence data and methods, but military and diplomatic secrets as well. Such a broad-sweeping study by people outside of government of protection of government secrets should more appropriately be ordered by the National Security Council rather than by a department of the Executive Branch.

5. Such a study by people outside of government might prove valuable at this time. Numerous studies by the Intelligence Community have not led to a solution of this frustrating problem. Recommendation by an unbiased public group might find support in both the public sector and government circles.

RECOMMENDATION:

The DoD proposal goes beyond the DCI's responsibilities for protecting intelligence sources and methods. The establishment of such a non-government group to make a study encompassing "all government secrets" should more appropriately be tasked by the NSC. Cooperation by the government agencies concerned would be greater if such a study were undertaken at the request of the NSC rather than DoD.

25X1

  
Chairman, Security Committee

Attachment

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DEFENSE INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20301

16 DEC 1975

C-52,673/DS-6

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD, CHAIRMAN, SECURITY  
COMMITTEE

SUBJECT: Unauthorized Disclosures of Sensitive Intelligence Information (U)

Reference: Memorandum USIB-D-9.2/57, subject as above, 8 October 1975.

1. (FOUO) This memorandum responds to your request that the Ad Hoc Working Group, which prepared the report forwarded with reference, look into the broader aspects of subject problem.

2. (U) A just-completed DIA study on this subject prepared by Colonel Richard L. Cary, provided much of the material contained in this report. Input was also furnished by [redacted] CIA; LtCol E.B. Haworth of the Air Force; [redacted] NSA; and Mr. Dick Welch, Navy. Special thanks are due 25X1 Mr. John R. Brock, General Counsel of DIA who prepared the legal brief attached to this report. 25X1

3. (C) DISCUSSION:

a. (C) SUMMARY: In preparing this study, we analyzed reports of investigation dealing with unauthorized disclosures of sensitive intelligence information in the news media covering the past two years. Note was taken of recent Intelligence Community action to examine the effectiveness of present regulations and procedures to cope with this difficult problem to include the review of dissemination lists; introduction of color-coded Defense Intelligence Notices (DIN's) by DIA to emphasize sensitivity, warn of criminal penalties, and insure that recipients receive only information of concern to their particular office; and briefings of high-level officials to insure they are familiar with security review procedures. Additionally, note was taken of the general feeling that there is a lack of any enforceable legislation for punishing personnel found to be making unauthorized disclosures to reporters. Our primary recommendation is that there is an urgent need for a central office of record to track action taken by member agencies concerning leaks which jeopardize sensitive sources and methods. Additionally, it was noted that we repeatedly and erroneously express concern with leaks which allegedly damage sensitive sources when in fact the information concerned is from the source rather than about it.

b. (U) NO ONE OFFICE OF RECORD: Currently there is no one office in the Intelligence Community which maintains a complete record of those unauthorized disclosures of sensitive intelligence information which jeopardize important collection programs. As a result, there is no

Classified by [redacted]  
DATE [redacted]  
BY [redacted]  
REASON [redacted]  
DECLASSIFIED BY [redacted] 1981

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effective Intelligence Community-wide system for ensuring that appropriate investigation of these leaks is conducted and that the extent of real damage to sensitive sources and the costs concerned may be determined. Such data could prove most useful for supporting needed legislation with criminal sanctions for "leakers" and for informing Congress of the cost to the taxpayer of unauthorized disclosures which compromise sensitive and costly intelligence collection programs.

c. (C) LEAKS ARE LOCAL: The timing and nature of unauthorized disclosures indicates they are being made in the Greater Washington area by, other than action officer level, personnel interested in supporting a particular cause or policy (see enclosure 1 for listing of leaks and apparent motive for unauthorized disclosure). Not all of these leaks originate in the Executive Branch of the Government.

d. (FOUO) Investigations of unauthorized disclosures of sensitive intelligence to representatives of the news media have been conducted primarily to attempt to identify the person(s) making such unauthorized disclosures. Such attempts have been unsuccessful primarily because of investigative restraints and the wide dissemination of intelligence reports. It is believed that insufficient effort has been made to assess the real damage to sensitive sources and methods. In many instances, we have been prone to accept assessments indicating grave damage to sensitive sources and methods when, in fact, the compromised information was from, rather than about, the source and/or method concerned.

e. (FOUO) The agencies in the Intelligence Community which produce intelligence reports have repeatedly reviewed the dissemination given such reports in order to reduce the number of recipients, if possible. In spite of such efforts, there is still legitimately a relatively wide dissemination of these reports within and outside of the Executive Branch of Government which, together with investigative limitations, make it difficult, if not impossible, to identify the person(s) making unauthorized disclosures.

f. (FOUO) All so-called press leaks do not necessarily result from intent on the part of the individual to disclose classified information. In some instances inadvertent disclosures are made simply because the individual is not aware that he is in fact providing classified information. It is not difficult under this circumstance for a capable aggressive investigative reporter to extract classified information from several unwitting persons together with other sources (such as congressional testimony), combine such information and prepare articles containing material which the Government maintains is highly classified.

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g. (U) Normally, the assignment of TOP SECRET, SECRET, or CONFIDENTIAL markings should provide adequate protection to the vast majority of intelligence reports. The assignment of inflated classifications or the placing of unwarranted restrictive handling caveats, or both, on such reports degrades the entire information security system.

h. (U) There is now legislation "on-the-books" which has primary application to the leak problem, specifically Section 793 of Title 18, USC. Notwithstanding this, however, there has been reluctance to effect criminal prosecution of person(s) making unauthorized disclosures to representatives of the news media. A legal brief on the "Legal Authorities for Protection of Security Information; Punitive Actions Applying to Breach of Security" prepared by Mr. John R. Brock, General Counsel of DIA is contained in enclosure 2. Mr. Brock concludes that "The espionage statutes and other miscellaneous provisions, are in my opinion more significant as enforcement tools than could be indicated by the limited number of incidents in which they have been used." In addition, the Senate Committee on the Judiciary currently has under study Bill S-1, Criminal Justice Reform Act of 1975, which would provide some additional measures for dealing with this difficult problem.

i. (U) A degradation of the information security system and of the morale of our personnel is a natural consequence of seeing continued disclosures of highly sensitive information in the news media combined with the feeling that little can be done to prevent such leaks.

j. (U) Many recipients of intelligence information are unsure as to what specific information is classified. The classification guide is an essential part of the security program. Vast sums of money are expended in safeguarding classified information and great detail given to controlling and accounting for classified documents. But not enough attention seems to be given to the actual act of classifying information. When some official classifies information, this causes such information to be entered into a system of guards, safes, locks, alarms, vaults, security investigation, controls and accountability--not to mention the very complex and expensive industrial security program to protect the production of classified hardware. Quite often classification actions are subjective and without any substantial basis for classification in the first place. Up-to-date classification guides, in proper content and in a usable format, covering all plans, programs and projects are considered necessary in order to provide for consistent and justifiable classification actions.

k. (U) When unsuccessful in satisfying their story requirements through normal public affairs channels, news media representatives frequently develop their own sources. Often, officials in the Washington area, particularly those newly assigned, are at a loss as to how to react to aggressive

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reporters when direct contacts are made. They are unaware as to what extent policy permits or encourages their cooperation with the news media. ✓ Officials who are called on to brief reporters are in a particularly vulnerable position when the subject being briefed has many aspects that are classified.

1. (FOUO) In addition to tightening up personnel, physical and information security procedures, there are a number of other actions that the intelligence producers/disseminators can take. These include the expedite authorized releases to the public of leak-prone information after a proper security review (see enclosure 3 for additional recommendation).

4. (FOUO) CONCLUSIONS:

a. Highly sensitive intelligence information can be protected over extended periods of time only by severely limiting access to such information.

b. There is an excessive amount of source and technical data in general dissemination reports.

c. While measures must be taken to reduce the number of leaks, it will be difficult to completely eliminate such unauthorized disclosures because of the nature of our open society, with its aggressive and competent investigative reporters and special interest groups.

d. A central office to maintain a record of bona fide unauthorized disclosures of highly sensitive intelligence information for the Intelligence Community is needed. Currently such a record is not available. Additionally, some agencies/departments expend much time and effort investigating these leaks, while others take little or no action as a result of such unauthorized disclosures.

e. DIA investigation of the leaks of information during the past two years has disclosed that most involved information from, rather than about, a sensitive intelligence source.

5. (FOUO) RECOMMENDATIONS:

a. That USIB member agencies support Senate Bill S-1.

b. That the IC Staff be assigned the task of recording leaks to the press of sensitive intelligence information and action taken by the USIB member agencies to investigate and otherwise combat this difficult problem. Such effort should include the cataloging of those sources and methods

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compromised by past leaks and the real damage to sensitive collection programs (e.g. compromise of sensitive sources and methods) rather than expending an inordinate amount of time and effort in dealing with "information" disclosed by the leaks concerned. Much assistance, including computer time, could be provided by CIA, since it is colocated with the IC Staff and currently has the nucleus of a program.

c. That producers of intelligence take positive action to review intelligence reports prior to their publication to ensure that they do not contain information which could reveal and damage sensitive sources and methods.

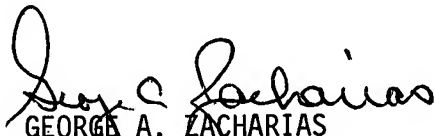
d. That detailed source and highly technical data not be included in general dissemination reports but provided only to those relatively few officials with a clear need-to-know and interest in such information.

e. That detailed paragraph marking be required in all intelligence documents.

f. That security classification guides be prepared for all intelligence documents.

g. That a vignette be prepared under the cognizance of the IC Staff for presentation to senior officials in the Washington, D.C. area who may have dealings with news media representatives. The presentation should deal with the philosophy, procedures, and restrictions governing their relations with the news media. It should explain how and why sensitive sources and methods can and must be protected. This vignette could take the form of a film strip and portable projector self-contained in an attache case. The presentation should be no more than 8-10 minutes and made available to an official to be viewed at his own convenience by merely flipping a switch. (DIA has on hand several recent briefings presented to the Assistant Secretary of Defense (Public Affairs) and his principal assistants which can be made available).

3 Enclosures a/s

  
GEORGE A. ZACHARIAS  
Chairman, Working Group on  
Unauthorized Disclosures

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	SECRET
<b>OFFICIAL ROUTING SLIP</b>			
TO	NAME AND ADDRESS	DATE	INITIALS
1	STAT		
2	MD.		
3			
4			
5			
6			
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
<b>Remarks:</b> <p>Attached are the papers you requested on the <u>Security Committee</u> deliberations and Dr. Proctor's activities in regard to secrecy and compartmentation.</p> <p>To: [ ] STAT</p> <p>STAT Please note ADM H's comments. Thank you.</p> <p>[ ]</p>			
FOLD HERE TO RETURN			
FROM: NAME, ADDRESS AND PHONE NO.		DATE	
[ ]		4/28/76	
UNCLASSIFIED		CONFIDENTIAL	SECRET

2-1.3

UNITED STATES INTELLIGENCE BOARD  
SECURITY COMMITTEE

SECOM-D-148  
28 April 1976

M

STAT

MEMORANDUM FOR: Deputy to the DCI for the Intelligence  
Community

FROM :   
Chairman, Security Committee

SUBJECT : Unauthorized Disclosures of Sensitive  
Intelligence Information

1. This memorandum is in response to your request of 27 April 1976 for information about the Security Committee's actions regarding unauthorized disclosures of sensitive intelligence information.

2. A working group of the Security Committee completed a study on unauthorized disclosures focusing on those appearing in the news media covering the past two years. The recommendations were rather broad and to a certain degree will probably overlap some of those which are being considered by Dr. Proctor's group. The Committee has been considering which recommendations should be forwarded to USIB, but to date has not arrived at an agreed upon paper. It is again scheduled for discussion at our 12 May 1976 meeting. Recommendations will then be sent to USIB for their approval and implementation in the community.

3. Some of the major recommendations being considered are as follows. Additional ones are attached.

(a) That the IC Staff be assigned the task of recording leaks (community leak data base) and action taken by member agencies to investigate and otherwise combat this problem.

OK if  
we  
can  
afford.

(b) That producers of intelligence take positive action to review intelligence reports prior to publication to ensure that they contain no information which could reveal and damage sensitive sources and methods.

OK

(c) That detailed source and highly technical data not be included in general dissemination reports.

OK

(d) Use of detailed paragraph markings where feasible.

?

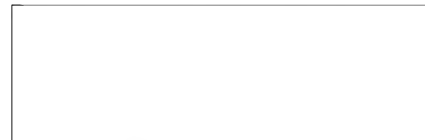
(e) That security classification guides be prepared for all intelligence documents.

OK

How much  
4. Probably the major problem now being encountered is resources. The costs for establishing a leak data base could be considerable, and since we are co-located with CIA, it was felt that they would have that burden. They are reluctant to agree to such a proposal under these circumstances. The manpower required to carry out other of these recommendations could also be considerable. To undertake extensive reviews of material, educational programs, etc., require extra burdens to be placed on already over-extended personnel.

How many

STAT



Chairman

Attachment

RECOMMENDATIONS OF THE AD HOC WORKING GROUP ON

UNAUTHORIZED DISCLOSURES

1. Conduct a review of current hard-copy distribution categories to identify those recipients who have a valid need to be informed of current intelligence information in general terms, but who do not have a "must know" need for the type of highly-detailed reportage contained in intelligence publications.
2. Institute the use of a publication similar to the Executive Summary (EXSUM) as a substitute for NIB/DIN distribution to those recipients who do not require such detailed information.
3. Establish new and more restrictive distribution list for high-leak potential intelligence reports. Utilize such lists to further reduce dissemination of "high-risk" items. Also utilize authorized disclosures via special high-level ad hoc groups formed for this purpose.
4. Carefully edit reports with high-leak potential to remove sensitive source data and collection capability indicators. Also, reduce unessential technical details, wherever possible.
5. Encourage high-level policy planners to seek assistance in sanitizing intelligence reports that they consider suitable for release to the press.
6. Establish an indoctrination program for all personnel concerned to acquaint them with:
  - a. The real threat to sensitive and costly intelligence collection programs posed by unauthorized disclosures.
  - b. The means of preventing such disclosures.
  - c. Possible ways to reduce the impact of an anticipated unauthorized disclosure.
  - d. The personal responsibilities of each individual in this endeavor.
7. Publish security flyers periodically to remind all concerned of the threat posed by unauthorized disclosures. Such flyers should be disseminated to both personnel involved in the production of intelligence reports and to recipients of intelligence information.
8. Institute a system of staggered distribution of high-leak potential items, utilizing EXSUM, ORCON or other highly restrictive security markings, for initial distribution in order to reduce the attractiveness of such items.
9. Consider the usage of special "no copy" paper for highly sensitive items identified/selected for extremely limited local distribution.

ILLEGIB

DoD Study of Unauthorized Disclosure of Government Secrets

Talking Paper

Proposal

-- A broad study of unauthorized disclosure of government secrets.

-- Study effort chaired by Adam Yarmolinsky.

-- Panel to consist of people outside of government.

-- The study to give some improved insight into the nature and sources of the problem.

Panel's Terms of Reference

-- Will address itself to the problem of securing better protection for those secrets, including not only intelligence data and methods, but military and diplomatic secrets as well. It will examine:

- Motivation for disclosure.

- The impact of mistrust and alienation in popular attitudes toward government.

- The feasibility of better methods of selecting and training persons handling classified materials.

- The effects of overclassification and delayed declassification.

- The tradeoffs between wider dissemination and better protection of secrets both within and outside of the government.

- The possibilities for reducing unnecessary dissemination of secrets within government.

### DCI Authority

The National Security Act of 1947 states:

The DCI shall be responsible for protecting intelligence sources and methods from unauthorized disclosure.

Executive Order 11905 states:

The DCI will ensure that appropriate programs are developed which will properly protect intelligence sources, methods and analytical procedures.

The DCI will establish a vigorous program to downgrade and declassify foreign intelligence information as appropriate and consistent with E.O. 11652.

### Actions Currently Underway

#### -- Dr. Proctor's Group:

- Dr. Proctor is chairing a group of senior intelligence community officials concerned with guidelines for classification and control of intelligence,

- The goal of this group is to protect those secrets which must be protected, and

- Provide for broadest possible dissemination to those who have a need-to-know intelligence information.

- Includes declassification and release to the public.

#### -- Security Committee:

- A working group of the Security Committee recently completed a study on unauthorized disclosures of sensitive intelligence sources and methods.

- Covered reports of investigations dealing with unauthorized disclosures appearing in the news media over past two years.

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DIRECTOR OF CENTRAL INTELLIGENCE

DAN:

What does order say on this.

On attached I have scribbled some thoughts. If I am clear in my recollection that the order gives DCI the lead on this then we should advise Elsworth (as I scratched out in rough on pages attached) that a. he is free to get any group he wants to study anything he wants. but b) I have the lead on this and if the study is to have any affect on policy- the guy should make his stuff available to us in timely fashion.

I think I need a concise statement on what we are now doing on a. secrecy b. declassification..... Please draft pleasant but firm letter to

Elsworth for prompt mailing..... GB

4-525

UNCLASSIFIED

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SECRET

## EXECUTIVE SECRETARIAT

## Routing Slip

DCI

TO:		ACTION	INFO	DATE	INITIAL
①	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC				
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19					
20					
21					
22					
SUSPENSE		Date			

Remarks:

QAN: 1. what does order say - I f as I recall it tells DCI to do this we need a letter along attached lines to Ellsworth -

Executive Secretary

3637 (1-75)

Date



THE DEPUTY SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

Executive Order

76-2010

21 APR 1976

Honorable George Bush  
Director of Central Intelligence  
Washington, D. C. 20501

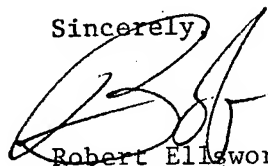
Dear George:

A broad study of unauthorized disclosure of government secrets is going to be undertaken at my initiative. The study effort will be chaired by Adam Yarmolinsky. A panel of people outside of government will be constituted and focused on the problem. I am especially interested that the study give us some improved insight into the nature and sources of this problem. The terms of reference agreed with him are attached.

When the panel has been formed and the list of its other members is completed I will send it to you. Adam will want to talk to you in more detail about the objectives of the study and how it should proceed. You may want to follow the study as it proceeds since the problems being studied are, of course, of general concern.

Warm regards.

Sincerely,



Robert Ellsworth

Dear Bob,

I will be most interested in seeing the Yarmolinsky study

As you know the exec. order

gives instructions the DCS to formulate

~~Even~~ The IC staff has been instructed to come up with recommendations etc. and Dan Murphy has work well under way.

**Page Denied**